

General Civil and Domestic Relations Case Filing Information Form

FILED IN OFFICE
CLERK OF STATE COURT
BIBB COUNTY, GEORGIA

☐ Superior or ☒ State Court of Bibb County

20-SCCV-091313

SEL

APR 14, 2020 04:42 PM

For Clerk Use Only

Date Filed 04-14-2020
MM-DD-YYYY

Case Number 20-SCCV-091313


Patricia M. Graves, Clerk of State Court
Bibb County, Georgia

Plaintiff(s)

PARKER, WILLIE J, Jr.

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Defendant(s)

HURTE, JONATHON

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney Sedghi, Reza

Bar Number 634077

Self-Represented ☐

Check one case type and, if applicable, one sub-type in one box.

General Civil Cases

- ☒ Automobile Tort
☐ Civil Appeal
☐ Contract
☐ Contempt/Modification/Other
☐ Post-Judgment
☐ Garnishment
☐ General Tort
☐ Habeas Corpus
☐ Injunction/Mandamus/Other Writ
☐ Landlord/Tenant
☐ Medical Malpractice Tort
☐ Product Liability Tort
☐ Real Property
☐ Restraining Petition
☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
☐ Contempt
☐ Non-payment of child support,
medical support, or alimony
☐ Dissolution/Divorce/Separate
Maintenance/Alimony
☐ Family Violence Petition
☐ Modification
☐ Custody/Parenting Time/Visitation
☐ Paternity/Legitimation
☐ Support – IV-D
☐ Support – Private (non-IV-D)
☐ Other Domestic Relations

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

**STATE COURT OF BIBB COUNTY
STATE OF GEORGIA**

CIVIL ACTION NUMBER 20-SCCV-091313
PARKER, WILLIE J, Jr.

PLAINTIFF

VS.

HURTE, JONATHON

DEFENDANT

SUMMONS

TO: HURTE, JONATHON

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**Reza Sedghi
Reza Sedghi, Esq.
2870 Vineville Avenue
Macon, Georgia 31204**

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 14th day of April, 2020.

Clerk of State Court



Patricia M. Graves, Clerk of State Court
Bibb County, Georgia

FILED IN OFFICE
CLERK OF STATE COURT
BIBB COUNTY, GEORGIA
20-SCCV-091313
SFL
APR 14, 2020 04:42 PM

IN THE STATE COURT OF BIBB COUNTY

STATE OF GEORGIA


Patricia M. Graves, Clerk of State Court
Bibb County, Georgia

WILLIE J. PARKER, JR.

vs.

JONATHON HURTE

CIVIL ACTION NO.: _____

COMPLAINT FOR DAMAGES

COMES NOW, Plaintiff Willie J. Parker, Jr. and files his Complaint for Damages. Plaintiff files this action in accordance with O.C.G.A. 9-2-61 and states that the former petition filed in the Superior Court of Jones County was not a void suit, that it is such a valid suit as may be renewed under O.C.G.A. 9-2-61. This renewed action is based upon substantially the same cause of action, and that it is not a renewal of a previous action which was dismissed on its merits so that the dismissal would act as a bar to the re-bringing of the petition.

Statement of Venue and Jurisdiction

1.

Defendant Jonathon Hurte is a resident of Charleston, South Carolina. Pursuant to the Georgia Long Arm Statute, Defendant Hurte is subject to the jurisdiction of this Court. Defendant may be served at 64 Maple Street, APT A, Charleston, South Carolina 29403.

2.

Plaintiff is a resident of Bibb County, Georgia.

3.

Venue is proper in State Court of Bibb County.

Statement of Facts Including Specifications of Negligence Applicable Thereto

4.

On February 11, 2017, Plaintiff was traveling on Pio Nono Avenue and its intersection of Guy Paine Road in Macon, Bibb County, Georgia when Defendant make a left turn into the path of Plaintiff's vehicle and caused the accident.

5.

Plaintiff shows that the collision described hereinabove was caused when Defendant deviated from the expected standard of care while operating a motor vehicle by committing the following acts of negligence:

- a. For failing to yield, the same being negligence as a matter of law;
- b. In failing to keep a vigilant lookout at the time and place complained of, the same being negligence as a matter of law;
- c. In failing to maintain a proper distance from the vehicle in front of the vehicle driven by him, in violation of O.C.G.A. § 40-6-49(a), the same being negligence as a matter of law;
- d. In failing to have one's vehicle under immediate control, the same being negligence as a matter of law;
- e. In failing to make reasonable and proper observation while driving or reasonable and proper observations were made failing to act on them.
- f. For making an improper turn, the same being negligence as a matter of law;
- g. Defendant was otherwise negligent.

6.

The acts of negligence by Defendant were the proximate cause of the injuries and damages of the Plaintiff as hereinafter alleged.

7.

As a result of the subject collision, Plaintiff suffered physical injuries

8.

Plaintiff has incurred medical expenses directly necessitated for treatment as of the date of the filing of this Complaint.

9.

Plaintiff has suffered both physical and mental pain and suffering, and will continue to do so in the future.

Demand for Judgment

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

(a) That summons issue, and that Defendant be required to answer this complaint, as required by law;

(b) That Plaintiff have and recover from Defendant such sums for actual damages as is proven by the evidence, in the enlightened conscience of the jury, for Plaintiff's past and future medical expenses, past, present and future pain and suffering, emotional distress, loss wages and out of pocket expenses;

(c) For trial by jury as to all issues triable by a jury; and

(e) For such other and further relief as the Court deems just,

Respectfully submitted, 14th day of April, 2020.

/s/ Reza Sedghi
REZA SEDGHI
Attorney for Plaintiff
Georgia Bar No. 634077

2870 Vineville Ave
Macon, Georgia 31204
(478) 741-3770 office
(478) 741-3771 facsimile
www.sedghilaw@gmail.com

Civil Action No. _____

State Court GEORGIA,

Filed _____

BIBB COUNTY

Attorney's Address: Reza Sedghi

28 _____ 2870 Vine & le Avenue
Macon, Georgia 31204

WILLIEKER, J R.

Telephone: (478) 741-3770

VS.

Plaintiff

JONATHON HURTE

Defendant

Name and Address of Party to be Served
CT Corporation, Registered Agent for UM Carrier
Progressive Mountain Insurance Company
289 S Culver Street
Lawrenceville, Georgia 30046-4805

Garnishee

SHERIFF'S ENTRY OF SERVICE

GARNISHEE

☐ I have this day served the Garnishee _____ by leaving a copy of the within action and summons with _____

PERSONAL

☐ I have this day served the Defendant **Complaint** personally with a copy of the within action and summons.

NOTORIOUS

I have this day served the Defendant _____ by leaving a copy of the action and summons at his most notorious place of abode in this County.

☐ Delivered same into hands of _____ described as follows age, about _____ years; weight, about _____ pounds; height, about _____ feet and _____ inches, domiciled at the residence of Defendant.

CORPORATION

☒ Served the Defendant _____ a corporation by leaving a copy of the within action and summons with _____ in charge of the office and place of doing business of said Corporation in this County.

TACK & MAIL

☐ I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United State Mail, First Class in an envelope properly addressed to the defendant(s) at the address in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

NON-EST

☐ Diligent search made and defendant _____ not to be found in the jurisdiction of this Court.

This 24 day of Apr, 2020

BY: _____

DEPUTY SHERIFF

DOCKET _____ PAGE _____

COUNTY, GEORGIA

ORIGINAL TO CLERK - ONE COPY TO PLAINTIFF - ONE COPY TO DEFENDANT



**Service of Process
Transmittal**

04/24/2020

CT Log Number 537580796

TO: Martha Patterson
PROGRESSIVE CASUALTY INSURANCE COMPANY
1000 Cobb Place Blvd., Building 300, Suite 330
Kennesaw, GA 30144

RE: Process Served in Georgia

FOR: Progressive Mountain Insurance Company (Domestic State: OH)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Willie J. Parker, Jr., Pltf. vs. Jonathon Hurte, Dft. // To: Progressive Mountain Insurance Company

DOCUMENT(S) SERVED: -

COURT/AGENCY: None Specified
Case # 20SCCV091313

NATURE OF ACTION: Insurance Litigation

ON WHOM PROCESS WAS SERVED: C T Corporation System, Lawrenceville, GA

DATE AND HOUR OF SERVICE: By Process Server on 04/24/2020 at 10:47

JURISDICTION SERVED : Georgia

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT has retained the current log, Retain Date: 04/24/2020, Expected Purge Date: 04/29/2020

Image SOP

Email Notification, Martha Patterson Martha_A_Patterson@progressive.com

Email Notification, Craig Nolan Craig_A_Nolan@Progressive.com

Email Notification, RENEE BALDWIN renee_m_baldwin@progressive.com

Email Notification, JACQUELINE BRYAN jacqueline_bryan@progressive.com

Email Notification, AMANDA L EPPS amanda_l_epps@progressive.com

SIGNED: C T Corporation System

ADDRESS: 155 Federal St Ste 700
Boston, MA 02110-1727

For Questions: 800-448-5350
MajorAccountTeam1@wolterskluwer.com

20-SCCV-091313

SFL

MAY 23, 2020 10:11 AM

IN THE STATE COURT OF BIBB COUNTY
 STATE OF GEORGIA

WILLIE J. PARKER, JR.

Plaintiff,

v.

JONATHON HURTE,

Defendant.

:
 :
 :
 :
 :
 :
 :
 :
 :

CIVIL ACTION FILE NO.
20-SCCV-091313


 Patricia M. Graves, Clerk of State Court
 Bibb County, Georgia

ANSWER OF PROGRESSIVE MOUNTAIN INSURANCE COMPANY

COMES NOW Progressive Mountain Insurance Company (hereinafter
 “Progressive”), served as a purported uninsured/underinsured motorist carrier in the
 above-referenced matter and timely files its answer to Plaintiff’s Complaint as follows:

FIRST DEFENSE

Plaintiff’s complaint fails to state a claim against Progressive upon which relief
 can be granted, therefore, Plaintiff’s complaint against Progressive should be dismissed.

SECOND DEFENSE

Defendant is not an uninsured or underinsured motorist as those terms are defined
 by applicable statutory language, case law, or policy language. Therefore, Plaintiff’s
 claim against Progressive should be dismissed.

THIRD DEFENSE

To the extent Progressive has made medical payments or other payments under
 coverages to the Plaintiff, in the above captioned action, Progressive hereby claims the
 right of set off, payment, and/or reduction from any judgment to prevent duplication of
 benefits and unwarranted double recovery.

FOURTH DEFENSE

Plaintiff's alleged injuries and damages are the result of the actions or inactions of a person or persons for whose actions or inactions Progressive is neither liable nor responsible. Therefore, Plaintiff's complaint against Progressive should be denied.

FIFTH DEFENSE

Plaintiff's alleged injuries and damages, or at least a portion of them, are the result of conditions which existed prior to the event of which Plaintiff complains and are in no way aggravated, compounded, nor otherwise increased by the event by which Plaintiff complains. Therefore, Plaintiff's complaint against Progressive should be denied.

SIXTH DEFENSE

Progressive hereby raises all affirmative defenses available under Georgia law, including but not limited to all defenses listed in O.C.G.A. § 9-11-12(b) and (h) and O.C.G.A. § 9-11-8(c).

SEVENTH DEFENSE

Progressive states that this is not a valid renewal action under O.C.G.A. § 9-2-61.

EIGHTH DEFENSE

Progressive responds to the separately numbered paragraphs of Plaintiff's complaint as follows:

1.

Progressive is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in the above-referenced paragraph of Plaintiff's Complaint, and therefore, can neither admit nor deny the same.

2.

Progressive is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in the above-referenced paragraph of Plaintiff's Complaint, and therefore, can neither admit nor deny the same.

3.

Progressive is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in the above-referenced paragraph of Plaintiff's Complaint, and therefore, can neither admit nor deny the same.

4.

Progressive is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in the above-referenced paragraph of Plaintiff's Complaint, and therefore, can neither admit nor deny the same.

5.

Progressive is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in the above-referenced paragraph of Plaintiff's Complaint, and therefore, can neither admit nor deny the same.

6.

Progressive is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in the above-referenced paragraph of Plaintiff's Complaint, and therefore, can neither admit nor deny the same.

7.

Progressive is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in the above-referenced paragraph of Plaintiff's Complaint, and therefore, can neither admit nor deny the same.

8.

Progressive is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in the above-referenced paragraph of Plaintiff's Complaint, and therefore, can neither admit nor deny the same.

9.

Progressive is without knowledge or information sufficient to form a belief as to the truthfulness of the allegations contained in the above-referenced paragraph of Plaintiff's Complaint, and therefore, can neither admit nor deny the same.

10.

Any and all allegations of Plaintiff's complaint not specifically admitted or, for want of information or knowledge were neither admitted nor denied, are hereby denied. Progressive denies that it is liable to or responsible to Plaintiff for the injuries and damages as alleged.

WHEREFORE, PROGRESSIVE prays as follows:

- 1) That Plaintiff's Complaint be dismissed;
- 2) That Progressive have a trial by a fair and impartial jury; and
- 3) That Progressive have such other and further relief as this Court deems just and proper.

SIGNATURES CONTINUE ON FOLLOWING PAGE

This 23rd day of May, 2020.

/s/ Wesley E. Childs

Wesley E. Childs

Georgia Bar No.:878909

Attorney for Progressive

OF COUNSEL:

CHAMBLESS, HIGDON, RICHARDSON,

KATZ & GRIGGS, LLP

3920 Arkwright Road – Suite 405

Post Office Box 18086

Macon, GA 31209-8086

478/745-1181

wchilds@chrkglaw.com

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served counsel of record for all parties in the foregoing matter with a copy of the above document by statutory electronic service via PeachCourt, which will generate an electronic service copy by electronic mail to the following counsel of record:

Reza Sedghi, Esq.
2870 Vineville Avenue
Macon, GA 31204
Attorney for Plaintiff

Marcia S. Freeman, Esq.
Ashley L Yagla, Esq.
Waldon Adelman, Castilla,
Hiestand & Prout
900 Circle 75 Parkway
Atlanta, Georgia 30339
Attorneys for Defendant

This 23rd day of May, 2020.

/s/ Wesley E. Childs
Wesley E. Childs